

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on February 12, 2007 at 9:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** David Niss, Legislative Branch  
Dee Barfknecht, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing: HB 549, HB 550, HJ 26  
Executive Action: HB 420, HB 185, HB 256, HB 305

**HEARING ON HB 550**

**Opening Statement by Sponsor:**

00:01:31 Rep. Norma Bixby (D), HD 41, opened the hearing on HB 550, Review crime and sentence data.

[EXHIBIT\(juh31a01\)](#)

[EXHIBIT\(juh31a02\)](#)

[EXHIBIT\(juh31a03\)](#)

[EXHIBIT\(juh31a04\)](#)

[EXHIBIT\(juh31a05\)](#)

**Proponents' Testimony:**

00:15:38 Pam Bucy, Department of Justice

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:19:21 Rep. Kottel  
00:20:36 Ms. Bucy  
00:20:58 Rep. Kottel  
00:21:42 Ms. Bucy  
00:22:25 Rep. Kottel  
00:23:10 Ms. Bucy  
00:23:30 Rep. Everett  
00:23:49 Ms. Bucy  
00:23:55 Rep. Everett  
00:24:04 Ms. Bucy  
00:24:41 Rep. Everett  
00:24:55 Ms. Bucy  
00:25:23 Rep. Everett  
00:25:35 Ms. Bucy  
00:27:12 Rep. Everett  
00:27:23 Ms. Bucy  
00:27:30 Rep. Stoker  
00:28:22 Ms. Bucy  
00:29:13 Rep. Stoker  
00:29:50 Ms. Bucy  
00:30:20 Rep. Peterson  
00:30:33 Ms. Bucy  
00:30:39 Rep. Peterson  
00:31:49 Ms. Bucy  
00:33:02 Rep. Peterson  
00:33:22 Ms. Bucy

**Closing by Sponsor:**

00:34:01 Rep. Bixby  
[EXHIBIT\(juh31a06\)](#)

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**HEARING ON HB 549**

**Opening Statement by Sponsor:**

00:39:57 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 549, English proficiency to acquire driver license.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:47:20 Cathy Day, ACLU of Montana  
[EXHIBIT\(juh31a07\)](#)

**Informational Testimony:**

00:50:06 Brenda Nordlund, Department of Justice  
00:56:07 Tara Veazey

**Questions from Committee Members and Responses:**

00:57:46 Rep. Kottel  
00:58:25 Rep. Himmelberger  
00:58:45 Rep. Kottel  
00:59:56 Rep. Himmelberger  
01:00:15 Rep. Kottel  
01:00:55 Rep. Himmelberger  
01:01:46 Rep. Kerns  
01:02:11 Ms. Nordlund  
01:03:05 Rep. French  
01:03:34 Ms. Nordlund  
01:06:01 Rep. French  
01:06:16 Ms. Nordlund  
01:06:23 Rep. Koopman  
01:07:57 Ms. Nordlund  
01:09:21 Rep. Koopman  
01:09:42 Ms. Nordlund  
01:10:08 Rep. Koopman  
01:10:48 Ms. Nordlund  
01:12:18 Rep. Koopman  
01:12:27 Ms. Nordlund

01:12:32 Rep. McGillvray  
01:13:04 Ms. Nordlund  
01:13:35 Rep. McGillvray  
01:13:55 Ms. Nordlund  
01:14:04 Rep. McGillvray  
01:14:12 Ms. Nordlund  
01:14:52 Rep. McGillvray  
01:15:10 Ms. Nordlund  
01:15:27 Rep. McGillvray  
01:15:48 Ms. Nordlund  
01:16:46 Rep. McGillvray  
01:16:57 Rep. Himmelberger  
01:17:14 Rep. McGillvray  
01:17:25 Rep. Himmelberger  
01:17:33 Rep. Peterson  
01:17:53 Dean Roberts, Motor Vehicle Division  
01:18:28 Rep. Peterson  
01:18:42 Mr. Roberts  
01:18:49 Rep. Peterson  
01:18:54 Mr. Roberts  
01:18:59 Rep. Peterson  
01:19:16 Mr. Roberts  
01:19:30 Rep. Peterson  
01:20:05 Mr. Roberts  
01:20:22 Rep. Peterson  
01:20:35 Mr. Roberts  
01:20:43 Rep. Kottel  
01:21:19 Ms. Nordlund  
01:22:01 Rep. Kottel  
01:22:37 Ms. Nordlund  
01:22:53 Rep. Kottel  
01:23:28 Rep. Himmelberger  
01:24:05 Rep. Kottel  
01:24:10 Rep. Himmelberger  
01:24:56 Rep. Kottel  
01:25:38 Rep. Himmelberger  
01:25:45 Rep. McGillvray  
01:27:01 Rep. Himmelberger  
01:27:41 Rep. McGillvray  
01:28:02 Rep. Himmelberger  
01:28:15 Rep. Stoker  
01:28:39 Ms. Nordlund  
01:29:46 Rep. Stoker  
01:30:11 Ms. Nordlund

**Closing by Sponsor:**

01:30:42 Rep. Himmelberger

01:32:29 Break  
01:42:17 Reconvene

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**HEARING ON HJ 26**

**Opening Statement by Sponsor:**

01:42:36 Rep. Tim Callahan (D), HD 21, opened the hearing on HJ 26, Study mental health issues in criminal and juvenile justice systems.

**Proponents' Testimony:**

01:48:35 Rep. John Parker  
01:51:57 Deb Matteucci, Department of Public Health and Human Services  
01:54:28 Jani McCall, Montana Children's Services Association  
01:56:25 Anita Rossman, Montana Advocacy Program

**EXHIBIT(juh31a08)**

02:00:13 Pam Bucy, Department of Justice  
02:01:51 Steve Gibson, Administrator, Department of Corrections, Child Services  
02:02:16 Cathy Day, ACLU

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:02:42 Rep. Everett  
02:03:08 Ms. McCall  
02:03:14 Rep. Everett  
02:03:33 Ms. McCall  
02:04:03 Rep. Everett  
02:04:29 Ms. McCall  
02:05:22 Rep. Koopman  
02:06:22 Rep. Callahan  
02:08:23 Rep. Koopman  
02:09:16 Rep. Callahan  
02:11:54 Rep. Jore  
02:12:54 Rep. Parker  
02:17:17 Rep. Jore  
02:18:04 Rep. Parker  
02:19:24 Rep. Gallik  
02:21:11 Rep. Callahan  
02:21:25 Rep. Peterson

02:22:35 Rep. Parker  
02:23:09 Rep. Peterson  
02:23:42 Rep. Parker  
02:24:56 Rep. Rice  
02:25:20 Ms. Rossman

**Closing by Sponsor:**

02:28:49 Rep. Callahan

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**EXECUTIVE ACTION ON HB 420**

02:31:06 **Motion:** Rep. Koopman moved that **HB 420 DO PASS.**

**Discussion:**

02:31:21 Rep. Koopman  
02:35:21 Rep. Kottel  
02:39:31 Rep. Gallik  
02:40:02 Rep. Peterson  
02:41:22 Rep. Kottel  
02:42:13 Rep. Koopman

02:42:43 **Vote:** Motion carried by roll call vote 16-1. Rep. Driscoll voted no. Rep. French voted by proxy.

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**EXECUTIVE ACTION ON HB 185**

02:44:42 **Motion:** Rep. Gallik moved that **HB 185 DO PASS.**

02:45:01 **Motion:** Rep. Gallik moved that **HB 185 BE AMENDED.**  
**EXHIBIT**(juh31a09)

**Discussion:**

02:45:08 Rep. Gallik  
02:48:17 Rep. Rice  
02:48:21 Rep. Gallik  
02:48:26 Rep. Peterson  
02:49:06 Rep. Gallik  
02:49:29 Rep. Cordier  
02:50:00 Rep. Gallik  
02:50:36 Rep. McGillvray  
02:50:55 Rep. Gallik

02:51:27 **Vote:** Motion that **HB 185 BE AMENDED** carried by roll call vote 11-6. Reps. Koopman, Kerns, Peterson, McGillvray, Jore and Rice voted no. Rep. French and Driscoll voted by proxy.

02:52:55 **Motion:** Rep. Gallik moved that **HB 185 BE FURTHER AMENDED.**  
**EXHIBIT**(juh31a10)

**Discussion:**

02:53:09 Rep. Gallik  
02:54:10 David Niss  
02:54:40 Rep. Gallik  
02:54:44 Mr. Niss  
02:54:47 Rep. Gallik  
02:55:07 Mr. Niss  
02:55:16 Rep. Gallik withdrew his motion on the Amendment, Exhibit 10.

02:55:48 **Motion:** Rep. Gallik moved that **HB 185 DO PASS AS AMENDED.**

**Discussion:**

02:55:48 Rep. Kottel  
02:58:00 Rep. Jore  
02:59:30 Rep. French  
03:00:05 Rep. Gallik  
03:01:19 Rep. Peterson  
03:01:54 Rep. Ebinger  
03:02:31 Mr. Niss

03:05:13 **Vote:** Motion that **HB 185 DO PASS AS AMENDED** failed by roll call vote 7-10. Reps. Gallik, French, Everett, Raser, Cordier, Ebinger and Jore voted aye.

03:06:36 **Substitute Motion/Vote:** Rep. McGillvray made a substitute motion that **HB 185 BE TABLED.** The motion carried unanimously by voice vote, 17-0.

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**EXECUTIVE ACTION ON HB 256**

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03:07:11 **Motion:** Rep. McGillvray moved that **HB 256 DO PASS.**

03:07:53 **Motion:** Rep. Stoker moved that **HB 256 BE AMENDED.**  
**EXHIBIT(juh31a11)**

**Discussion:**

03:08:09 Rep. Stoker  
03:09:46 Rep. Ebinger  
03:10:20 Rep. Stoker  
03:13:06 Rep. Peterson  
03:15:13 Rep. Kottel  
03:17:44 Rep. Stoker  
03:18:16 Rep. Kottel  
03:18:46 Rep. Stoker  
03:19:20 Rep. Rice  
03:19:28 Rep. Stoker  
03:19:56 Rep. Gallik  
03:21:15 Rep. Stoker, without objection the committee agreed to  
postpone HB 256.

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**EXECUTIVE ACTION ON HB 305**

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03:21:27 **Motion:** Rep. McGillvray moved that **HB 305 DO PASS.**

03:23:14 **Motion:** Rep. Gallik moved that **HB 305 BE AMENDED.**  
**EXHIBIT(juh31a12)**

**Discussion:**

03:23:27 Rep. Gallik  
03:25:30 Rep. Kerns  
03:25:58 Rep. Gallik  
03:26:41 Rep. Kerns  
03:26:45 Rep. Gallik  
03:27:23 Rep. Raser  
03:28:04 Rep. Kerns  
03:28:18 Rep. Raser  
03:28:57 Rep. Kerns  
03:29:11 Rep. Raser  
03:29:50 Rep. Rice  
03:30:06 Rep. Raser  
03:30:35 Mr. Niss



03:33:56 **Motion:** Rep. Raser moved to add a Conceptual Amendment.

**Discussion:**

03:35:29 Rep. Kottel  
03:36:53 Rep. McGillvray  
03:36:59 Rep. Ebinger  
03:37:23 Rep. Rice  
03:37:32 Rep. Raser withdrew the motion on the Conceptual Amendment.

03:37:43 **Motion:** Rep. Gallik moved to add a Conceptual Amendment.

**Discussion:**

03:38:46 Rep. Rice  
03:38:50 Rep. Stoker  
03:38:58 Rep. Gallik  
03:39:23 Rep. Stoker  
03:39:45 Rep. Rice  
03:39:51 Rep. Raser  
03:40:44 Rep. Rice  
03:40:58 Rep. Gallik  
03:40:04 Rep. Raser without objection the committee agreed to postpone HB 305.

**Additional Exhibits:**

Document Pertaining to HB 548, Hearing 02/09/07  
[EXHIBIT\(juh31a13\)](#)

Document Pertaining to HB 550, Hearing 02/12/07  
[EXHIBIT\(juh31a14\)](#)

**ADJOURNMENT**

03:41:51 Adjournment

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REP. DIANE RICE, Chairman

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DEE BARFKNECHT, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh31aad.pdf](#))**